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**FEDERAL COMMUNICATIONS  
COMMISSION  
PUBLIC HEARING**

**FRIDAY, JANUARY 29, 1999**

**TESTIMONY BY:  
GOVERNOR RAYMOND GACHUPIN**

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## **PUEBLO OF JEMEZ ADDRESS OF THE FCC**

Good Morning and Welcome to the State of New Mexico "the Heart of Indian Country". You have honored us with your presents this morning and we hope that you will take an opportunity to meet our Tribal members, staff and leadership during your visit. I am sure that you will walk away knowing that you have been to a very special place. My name is Raymond Gachupin.

It is with a great deal of anxiety that I address you this morning as the appointed Governor of the Pueblo of Jemez. I bring the honesty of having more questions than answers and educated responses to what I realize to be very technical, complex, and broad ranging issues. I plan to be brief.

I will preface my remarks this morning with a short, but appropriate memory. I am reminded of the time of my uncle's generation when the courageous veterans returned from World War II and the Federal Government created employment opportunities for them by having them install the "modern conveniences" that we enjoy and now even depend on for our daily existence.

The installation of the water, telephone, and electrical systems did not enter our small, but traditional community without much debate and discussion. Many of our Tribal elders warned us of some of the taboos of bringing "fire into the homes, meaning electricity and accepting too many modern ways of the non-Indians. I now realize the debates were important and warranted. As the chief judge and law enforcement officer of my community, it is crystal clear to me that bringing the "fire" into our homes has brought us warmth, light, and information, but also it has brought the decay of many of our cultural, traditional, and communal practices. I'm sure that we all agree television influences are not always positive on our young

minds and hearts. I remember very vividly, my brothers, cousins, and I sitting around our grandfather listening to a story that he would tell while he worked on his coil basket that he was well known for. Now much of that storytelling is replaced with television, radio, and other modern intrusions. So, while we as Tribes, move cautiously slow to accept technology in general, maybe there is a blessing in disguise involved, only time will tell.

Having said that, it is with great responsibility to my children's and their children's generations that I submit my comments. In hopes to improve and secure, with caution, their opportunities for living in and entering the next millennium with the necessary tools and resources to compete and coexist with the world beyond our boundaries.

I have some general and basic questions for you to ponder over and then finally a proposal to develop a "partnership".

What is the level of Trust Responsibility that the FCC has to the federally recognized Tribes?

How broad reaching is the Presidents Executive Order of April 29, 1994, that mandates all Federal Agencies and Departments to establish meaningful Government to Government relationships with American Indian Tribes?

What is the FCC's long term strategy to meet the needs of our growing communities?

How will Tribes be affected by one of the most pressing issues to affect our nation in many years? I am talking about the Y2K problem. This is a very curious problem that I really don't understand, but from all the media reports I realize are very serious.

While the rest of the nation contemplates the complexities of Y2K we wrestle with simpler but equally serious issues.

We do not enjoy all the services that most of you have taken for granted. We as Tribes in general have contributed handsomely to the greater national utility and energy picture as the resource provider at grossly underpaid royalty positions. Meanwhile, we have paid very expensive retail rates, sometimes disproportionately so, for all of our utilities, ranging from electricity to gas, to telephone, and water systems.

I guess sometimes a picture does say a thousand words when you think of the metaphor of the old western painting of the Indian sitting up on his horse, leaning to listen to the "singing wires" words. First, the railroads, then the singing wires or telephones and now cable and fiber optics are being transmitted through our lands to the benefits of our neighbors. It is time to work to allow access for our Tribal communities to the technologies that are crossing our lands. I recently learned that the BIA school that is in the center of our community has had a T-1 line for some time! We were not aware until recently that we can tap into this line and I now have my staff working on this arrangement.

I can remember in 1989 while serving the Pueblo as Tribal Sheriff, we had a serious crime, a shooting, and trying desperately to contact the BIA police and without the benefit of reliable services, feeling totally helpless. I know our local Emergency Medical Technicians are challenged with sporadic radio and dispatch services, these are real life and death stories. In any event, the call for help is still a long distance call to our doctors and county police.

Another tragedy that I witnessed in 1997 while serving as 1st. Lt. Gov. involved a female who had a seizure. Her boyfriend ran to several neighbors looking for a telephone. When he did find a telephone, the lines were down. So he ran to our then tribal sheriff's house because he knew that his vehicle was equipped with a radio. Our sheriff had to drive to one of our high points to our village in order to reach the BIA law enforcement in Albuquerque. The lady unfortunately didn't make it.

Many of our 3,800 Tribal members, about half still do not have basic telephone services in their homes, primarily due to the great expense and lack of proof of credit experiences. Most of our Tribal members are self-employed in seasonal work tied to tourism and generally do not generate the kind of income necessary to maintain telephone service.

The Tribal members whom wish to pursue telephone service contact our GTE service provider and submit to a credit check and then wait the 30 days for the hook-up. The connection fee alone is around \$48.00 plus tax and \$84.00 per hour for inside wiring services for new hook-up. Once the service is installed, then the Tribal customers pays a monthly fee plus long distance rates to the nearby business and commercial centers in Albuquerque.

The Tribal members that do have service often complain that the service is unreliable and too expensive. As Governor of the Pueblo, I feel that my hands are tied to help my Tribal members because I am not personally aware of any Federal program that offers financial assistance for my Tribal members struggling with large telephone rates. And the Tribe does not generate funding resources that can help either.

The Pueblo of Jemez more than one occasion has approached the State of New Mexico, GTE and US West about working with the

Pueblo to resolve our economic dilemma without any tangible benefits.

There is a State petition process that requires the Pueblo to conduct local petitions from our Tribal membership and then approach the State PUC, then the State contacts the local provider (GTE). GTE then conducts its own survey through polls and balloting then if its economically feasible for the Company, not the Tribe, then the customer base accepts a rate increase to have local service to Albuquerque. I do not see a Government to Government relationship there or a partnership with the local Company. We have not imposed any "Tribal taxes" on GTE for the right to conduct business within our sovereign boundaries.

We realize that we fall under a different set of regulations than the rest of the New Mexicans, yet the State Corporation Commissions asserts and dictates whom we receive our utilities from, again because of our rural locations, we pay the highest and mostly long distance telephone rates. Most of our federally subsidized programs have large line items for telephone service, since every call to Albuquerque, where the Bureau of Indian Affairs and the Indian Health Service oversight and grants management programs are located. This is a major obstacle.

While we are not adverse to protecting, preserving, and exercising our sovereignty at all costs, we are not inclined to enter into long and expensive court venues that only benefit lawyers.

We want to solicit the Federal Communications Commission, as a trust responsibility, to help educate States Corporation Commissions about Tribal sovereignty and jurisdiction in regards to utility development. Removing the legal obstacles that have prevented us from exercising our inherent sovereign rights and

responsibilities is a major priority for our communities' advancement.

In order to achieve real social and economic self-sufficiency, we need access to competitive rates, reliable services and cutting edge technology, such as, wireless and cellular at low rates without expensive roaming fee attached. We are not generally connected as internet access which is financially limiting in our rural setting due largely in part to limited services and access to local rates for internet access.

The introduction of telephone retail competition has brought unimagined advances and increases in technology that has changed our personal and professional lives forever. As the technology has changed and improved, so must our Tribal and Federal government relationship. I challenge you to imagine with me a new relationship that is one of equal and mutual respect, one that is more of a partnership than anything else. One that seeks cultural appropriate development that will benefit all Americans, rural and urban alike.

I would like to suggest to the FCC that if in fact you are serious about your inquiries that take the initiative to assemble an integrated Federal team approach that includes the BIA, IHS, DOE, EPA, and FCC.

The Creation of an inter-Agency approach that conducts a comprehensive assessment of the Tribal opportunities and challenges in regards to Tribal Utility Development. And we offer starting at the Pueblo of Jemez is as good as any place to start. We are poised and ready to participate as a partner.

On a positive, encouraging and closing note, we at the the Pueblo of Jemez have done remarkably well at balancing the most modern

technologies, GPS, GIS, and other satellite technologies to protect and preserve our most sacred cultural resources, the ancestral and communal resources. We invite you to visit us at the Pueblo of Jemez.

Prior to my knowledge of this hearing, I had made arrangements that I need to adhere to, so I'll take questions & attempt to respond to the best of my ability in the limited time that I have. Thank you for this opportunity and I'm hopeful and remain optimistic that our concerns be truly heard.